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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/580,425

02/09/2007

Jan Gysbert Du Preez

638772009500

1716

25226 7590 11/06/2008
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EXAMINER

NAZARIO GONZALEZ, PORFIRIO

ART UNIT

PAPER NUMBER

1621

MAIL DATE

DELIVERY MODE

11/06/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/580,425	Applicant(s) DU PREEZ, JAN GYSBERT HERMANUS	
	Examiner PORFIRIO NAZARIO GONZALEZ	Art Unit 1621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 and 39-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23-36 and 39-58 is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 10, 11 and 17 is/are rejected.
- 7) ☒ Claim(s) 6, 8, 9, 12-16 and 18-22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/8/2008</u> | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 10/08/2008 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The “dicarboxylatoplatinate(II) species contaminating the product” does not have antecedent support in claim 1. Claim 1 only recites a “*bis*-dicarboxylatoplatinate(II) species” and a “neutral dicarboxylatoplatinum(II) complex product”.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 7, 10, 11, and 17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Puniyani et al., India of Journal of Chemistry, Vol. 24A, pp. 240-241 (1985), cited by Applicant. Puniyani et al. discloses a process for preparing the compounds

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[Pt(HTSC)(C₂O₄)] or [Pt(CPTSC)(C₂O₄)] by reacting the ligand HTSC/CPTSC in methanol with an aqueous solution of K₂[Pt(C₂O₄)₂]•2H₂O at room temperature, where HTSC is cyclohexanone thiosemicarbazone and CPTSC is cyclopentanone thiosemicarbazone. See Table 1.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Puniyani et al., India of Journal of Chemistry, Vol. 24A, pp. 240-241 (1985), cited by Applicant. Puniyani et al. discloses a process for preparing the compounds [Pt(HTSC)(C₂O₄)] or [Pt(CPTSC)(C₂O₄)] by reacting the ligand HTSC/CPTSC in methanol with an aqueous solution of K₂[Pt(C₂O₄)₂]•2H₂O at room temperature, where HTSC is cyclohexanone thiosemicarbazone and CPTSC is cyclopentanone thiosemicarbazone. See Table 1. The Puniyani et al. reference differs from the instant claims in the particular reaction temperature and reaction time. Puniyani et al. reaction temperature is room temperature and the reaction time is 24 hours. However, it's known that endothermic reaction rates increases with increase of reaction temperature. This

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known as the van't Hoff's Law. Thus, one skilled in the art would be motivated to increase the temperature of reaction in order to speed up the reaction and reduce reaction times in accordance to the van't Hoff's Law.

Allowable Subject Matter

9. Claims 23-36, and 39-60 are allowed.
10. Claims 6, 8, 9, 12-16 and 18-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PORFIRIO NAZARIO GONZALEZ whose telephone number is (571)272-0641. The examiner can normally be reached on M-F (9:30 A.M.-6:00 P.M.).
12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel M. Sullivan can be reached on 571-272-0779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PORFIRIO NAZARIO GONZALEZ/
Primary Examiner, Art Unit 1621

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October 27, 2008